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Agenda item 139

Responsibility of States for internationally wrongful acts

Report of the Sixth Committee

Rapporteur: Ms. Anna **Sotaniemi** (Finland)

I. Introduction

1. The item entitled "Responsibility of States for internationally wrongful acts" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 56/83 of 12 December 2001.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 15th, 16th, 25th and 26th meetings, on 28 and 29 October and on 9 and 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.15, 16, 25 and 26).

II. Consideration of draft resolution A/C.6/59/L.22

4. At the 25th meeting, on 9 November, the representative of Trinidad and Tobago, on behalf of the Bureau, introduced a draft resolution entitled "Responsibility of States for internationally wrongful acts" (A/C.6/59/L.22).

5. At its 26th meeting, on 17 November, the Committee adopted draft resolution A/C.6/59/L.22 without a vote (see para. 6).

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III. Recommendation of the Sixth Committee

6. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Responsibility of States for internationally wrongful acts

The General Assembly,

Recalling its resolution 56/83 of 12 December 2001, the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States,

1. *Commends once again* the articles on responsibility of States for internationally wrongful acts to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action;

2. *Requests* the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles;

3. *Also requests* the Secretary-General to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requests the Secretary-General to submit this material well in advance of its sixty-second session;

4. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Responsibility of States for internationally wrongful acts".